Canadian Human Rights Commission
Commission canadienne des droits de la personne

September 19, 1991
H 32283

PROTECTED/DOUBLE REGISTERED

Chris Brown
6267 Castille Court
Orleans, Ontario
K1C 1X4

Dear Chris Brown:

Your complaint against the Ottawa-Carleton Regional Transit Commission dated July 28, 1991 alleging discrimination in the provision of services because of disability is being presented to the Commission for a decision not to deal with pursuant to sub-paragraph 41(c), because the service to which the complaint relates is not a service customarily available to the general public within the meaning of section 5 of the Act. The Commission may decide to accept, change, or reject this recommendation.

For your information, I have enclosed a copy of the materials which will be presented to the Commission for its review. You are entitled to submit your comments to the Commission for review when it considers the report. If you wish to do so, send your submission to me at the address noted below.

Your submission must arrive within thirty (30) days of the date you receive this letter. This 30 day time limit will be strictly adhered to in order to expedite the completion of this complaint. Material received more than 30 days after receipt of this letter may, therefore, not be presented to the Commission when a decision is made.

You will be advised of the Commission's decision after it has reviewed the report.

I would like to take this opportunity to remind you that the Commission, subsequent to reaching a decision, may decide to use this complaint for educational or publicity purposes. If you have any objections to this, either contact me or include your concerns with respect to publicity in your submission.

Yours sincerely,

Charles Théroux
Regional Director
National Capital Region

Encl.

JW/lb

PO Box 2052, Postal Station D, Ottawa, Ontario K1P 5W3
Case postale 2052, Succursale postale D, Ottawa (Ontario) K1P 5W3

Canadian Human Rights Commission

COMPLAINT FORM H 32283 (File)

I, Chris Brown (Complainant) of 6267 Castille Court (Street)

Orleans (City) Ontario (Province) K1C 1X4 (Postal Code)

have reasonable grounds for believing that the Ottawa-Carleton (Respondent)

Regional Transit Commission (Respondent)

of 1500 St-Laurent Blvd. (Street) Ottawa (City) Ontario (Province) K1G 0Z8 (Postal Code)

is engaging or has engaged in a discriminatory practice on or

about May 16, 1991 (Date)

at 1500 St-Laurent Blvd. (Street) Ottawa (City) Ontario (Province) K1G 0Z8 (Postal Code)

on the ground(s) of disability (environmental sensitivities)

in contravention of the Canadian Human Rights Act.

The particulars are as follows:

The Ottawa-Carleton Regional Transit Commission has discriminated against me and a class of individuals (those suffering from environmental sensitivities) by denying us a service customarily available to the general public, contrary to section 5 of the Canadian Human Rights Act.

I am an environmentally sensitive individual.

On May 16, 1991, the Ottawa-Carleton Regional Transit Commission refused to participate in an ongoing discussion with me - as the President of the Ottawa Branch of the Allergy and Environmental Health Association - on how to resolve the concerns of passengers of OC Transpo, such as myself, who are environmentally sensitive. The Ottawa-Carleton Regional Transit Commission has therefore discriminated against us by failing to consider the only available process to find out how to reasonably accommodate the needs of its environmentally sensitive passengers.

Dated at Ottawa (City) Ontario (Province) this 28 day of July 19 91

C B

Signature of Complainant

CE DOCUMENT EST AUSSI DISPONIBLE EN FRANÇAIS

Canadian Human Rights Commission
Commission canadienne des droits de la personne

Report Prior to Investigation
Rapport préalable à l'enquête

H32283	5			28 July 91
Complaint File No. / Numéro du dossier de plainte	Section(s) of the Act / Article(s) de la Loi			Complaint date / Date de la plainte

Grounds/Motifs	Complainant/Plaignant(e) Address/Adresse	Respondent/mis(e) en cause Address/Adresse
disability (environmental	Chris Brown	Ottawa-Carleton Regional Transit
sensitivities)	6267 Castille Court	Commission
	Orleans, Ontario	1500 St-Laurent Blvd.
	K1C 1X4	Ottawa, Ontario K1G 0Z8

Summary of complaint/Résumé de la plainte

1. The complainant alleges that the respondent has discriminated against him and other people suffering from environmental sensitivities contrary to section 5 of the Canadian Human Rights Act.

Summary of reason for recommendation/Justification de la recommandation

2. The respondent is in the business of operating a public transportation service. "Participating in ongoing discussions" with individuals or groups is not a service the respondent provides, and cannot be said to be a service customarily available to the general public.

Recommendation/Recommandation

3. It is therefore recommended that the Commission not deal with the complaint.

Michel Paré — 21.8.91
Human Rights Officer / Agent(e) des droits de la personne — Date

Charles Théroux — 21.8.91
Regional Director / Directeur(rice) régional(e) — Date

Director, Complaints Procedures / Directeur(rice), Traitement des plaintes — Date

BROWN, CHRIS vs. OTTAWA-CARLETON REGIONAL TRANSIT COMMISSION - H32283

SUMMARY OF THE ALLEGATION

Primary Allegation

4. The complainant alleges that the respondent has discriminated against him and other people suffering from environmental sensitivities contrary to section 5 of the Canadian Human Rights Act.

Secondary Allegation

5. The complainant alleges that, on May 16, 1991, the respondent refused to participate in an ongoing discussion with him as the President of a local association on how to resolve the concerns of passengers who are environmentally sensitive.

JURISDICTION

6. The complainant meets the requirements of section 40 of the Act to file a complaint. The respondent is a company which engages in inter-provincial transportation. The complaint, which alleges differential treatment based on a disability in the provision of a service customarily available to the general public, was filed within one year of the alleged discriminatory act.

ALTERNATIVE REDRESS

7. There is no alternative redress procedure.

DISCUSSION

8. The complainant has not identified specific ways in which the respondent allegedly fails to meet the needs of environmentally sensitive passengers. He alleges, rather, that the respondent has refused to participate in an ongoing discussion with him as the representative of an organization which promotes the concerns of environmentally sensitive people. He alleges that this refusal constitutes the denial of a service customarily available to the general public within the meaning of section 5 of the Act.

9. The respondent is in the business of operating a public transportation service. "Participating in ongoing discussions" with individuals or groups is not a service the respondent provides, and cannot be said to be a service customarily available to the general public.

CONCLUSION AND RECOMMENDATION

10. It is therefore recommended that the Commission not deal with the complaint.

PROPOSED RESOLUTION / RÉSOLUTION PROPOSÉE

The Commission resolves:	La Commission déclare:
pursuant to paragraph 41(c) of the Canadian Human Rights Act, not to deal with the complaint (H32283) of Chris Brown of Orleans, Ontario against the Ottawa-Carleton Regional Transit Commission dated July 28, 1991, alleging discrimination in the provision of services on the ground of disability, because the service to which the complaint relates is not a service customarily available to the general public within the meaning of section 5 of the Act.	en vertu de l'alinéa 41c) de la Loi canadienne sur les droits de la personne, que la plainte (H32283) de Chris Brown d'Orleans (Ontario) contre la Commission de transport régionale d'Ottawa-Carleton en date du 28 juillet 1991, selon laquelle il y a eu discrimination fondée sur la déficience lors de la prestation de services est irrecevable parce le service visé n'est pas destiné au public aux termes de l'article 5 de la Loi.

COMMISSION DECISION / DÉCISION DE LA COMMISSION

Date of Decision
Date de la décision

☐ Resolution approved
Résolution approuvée

☐ Resolution not approved
Résolution rejetée

Decision/Décision

Secretary to the Commission/Secrétaire de la Commission

Date

CHRONOLOGY

BROWN, CHRIS vs. OTTAWA-CARLETON REGIONAL TRANSIT COMMISSION

May 22, 1991	First contact by complainant
July 28, 1991	Complaint form signed
August 1991	Report prior to investigation completed